

**REGULATION OF RIPARIAN OVERLAY
ZONES**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies municipal land use provisions.

Highlighted Provisions:

This bill:

- ▶ prohibits municipalities from adopting an ordinance restricting the use of land within an existing residential area because of its proximity to a stream or other body of water and if the land is more than 25 feet from the center of the stream or other body of water; and
- ▶ requires each municipality that has already adopted that kind of ordinance to repeal it.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-9a-522, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **10-9a-522** is enacted to read:

29 **10-9a-522. Riparian zone ordinance prohibited.**

30 (1) As used in this section:

31 (a) "Existing residential area" means an area:

32 (i) located in a municipality;

33 (ii) that is partially or wholly developed for residential use;

34 (iii) bordering or divided by a stream or other body of water; and

35 (iv) whose zoning designation as residential predates the municipality's adoption of a
36 riparian zone ordinance.

37 (b) "Riparian zone ordinance" means a municipal ordinance that restricts the use of
38 land:

39 (i) because of its proximity to a stream or other body of water; and

40 (ii) that is more than 25 feet from the center of a stream or other body of water,
41 including a course or body of water into which the municipality channels, directs, or discharges
42 untreated waste or storm water.

43 (2) A municipality may not adopt a riparian zone ordinance that applies to land within
44 an existing residential area.

45 (3) Each municipality that has adopted a riparian zone ordinance that applies to land
46 within an existing residential area shall repeal the ordinance.

Legislative Review Note
as of 2-12-08 9:14 AM

Office of Legislative Research and General Counsel

H.B. 454 - Regulation of Riparian Overlay Zones

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
